

**United States District Court  
for the  
District of New Hampshire**

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Quentin Simon Case Number: 12-CR-167-03-SM  
 Name of Sentencing Judicial Officer: Honorable Steven J. McAuliffe  
 Date of Original Sentence: September 3, 2014  
 Original Offense: Count 6: Unlawful Drug User in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(3)  
Count 7: Possession with Intent to Distribute Cocaine Base, in violation of 21 U.S.C. § 841(a)(1)  
 Original Sentence: Four years probation  
 Type of Supervision: Probation Date Supervision Commenced: September 3, 2014  
 Asst. U.S. Attorney: Debra M. Walsh, Esq. Defense Attorney: Paul J. Garrity, Esq.

**PETITIONING THE COURT**

☒ To issue a warrant  
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation No:</u>	<u>Condition:</u>	<u>Nature of Noncompliance:</u>
1	<b>VIOLATION OF MC:</b> The defendant shall not commit another Federal, state or local crime.	On or about November 12, 2014, Simon did illegally posses and use a controlled substance, marijuana, in violation of 21 U.S.C. § 844(a) and NH RSA 318-B:2, as evidenced by his verbal and written admission to U.S. Probation Officer Karin M. Hess on November 25, 2014.
2	<b>VIOLATION OF MC:</b> The defendant shall not commit another Federal, state or local crime.	On or about January 1, 2015, in Bronx, NY, Simon did commit the crime of Criminal Possession of a Controlled Substance - 3 <sup>rd</sup> Degree: Stimulant with Intent to Sell, class B felony, in violation of New York Penal Law 220.16, when he was observed to be in possession of 10.888 grams of crack cocaine.
3	<b>VIOLATION OF MC:</b> The defendant shall not commit another Federal, state or local crime.	On or about January 1, 2015, in Bronx, NY, Simon did commit the crime of Criminal Tampering - 1 <sup>st</sup> Degree, class D felony, in violation of New York Penal Law 145.20, when he was observed to destroy evidence.

- 4 **VIOLATION OF MC:** The defendant shall not commit another Federal, state or local crime. On or about January 1, 2015, in Bronx, NY, Simon did commit the crime of Resisting Arrest, class A misdemeanor, in violation of New York Penal Law 205.30, when he flailed his arms, refusing to be handcuffed.
- 5 **VIOLATION OF MC:** The defendant shall not commit another Federal, state or local crime. On or about January 1, 2015, in Bronx, NY, Simon did commit the crime of Aggravated Unlicensed Operator - 3<sup>rd</sup> Degree, class U misdemeanor, in violation of New York Penal Law VTL0511 01, when he found to have two suspensions regarding his New York State driving privileges.
- 6 **VIOLATION OF STANDARD CONDITION #1:** The defendant shall not leave the judicial district without permission of the court or probation officer. On or about January 1, 2015, Simon traveled to Bronx, NY, without the permission of the court or the probation officer, as evidenced by his recent arrest by the New York City Police Department, NY, on January 1, 2015.
- 7 **VIOLATION OF SC:** The defendant shall be placed on home detention for a period of 10 months, to commence within thirty (30) days. During this time, the defendant shall remain at his place of residence except for employment and other activities approve in advance by the probation officer. On or about January 1, 2015, Simon violated the terms and conditions of his home detention by traveling to Bronx, NY, as evidenced by his recent arrest by the New York City Police Department, NY on January 1, 2015.
- 8 **VIOLATION OF SC:** The defendant shall be confined in the custody of the Bureau of Prisons from 6:30 p.m each Friday until 5:00 p.m. each Sunday for five months of consecutive weekends, commencing within thirty (30) days, at either The Hampshire House in Manchester, New Hampshire or Strafford County House of Corrections. If the Bureau of Prisons cannot accommodate the defendant at either location or facility, this condition will be modified by the Court upon the advice of the U.S. Probation Office. On January 2, 2015, Simon did not report to the Strafford County House of Corrections, Dover, NH at his designated time of 6:30 p.m. in order to commence his custodial weekend, due to his arrest by the New York City Police Department, NY on January 1, 2015. Simon was held detained until January 3, 2015, and was released on \$2,500 cash surety bail.

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### RECOMMENDATION AND JUSTIFICATION

The undersigned is recommending that a [X] warrant / [ ] summons be issued based on the following:

**Warrant**

☒ Recent Criminal Activity  
☒ Prior Crimes of Violence  
☐ Prior Failure to Appear  
☒ Severe Substance Abuse Addiction  
☐ Prior Failure of Community Supervision  
☐ Danger to Community  
☒ Risk of Flight  
☐ Other (Described below)

**Summons**

☐ No Risk of Flight  
☐ No Danger to Community  
☐ Stable Residence  
☐ Stable Employment  
☐ No Substance Abuse  
☐ Other (Described below)

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**PREVIOUS NONCOMPLIANCE**

On November 21, 2014, after receiving Simon's positive drug test results for marijuana dated November 12, 2014, the probation officer instructed Simon to report to the office on November 25, 2014 in order to discuss his relapse further. On November 25, 2014, Simon reported to the office and acknowledged his marijuana use by signing an Admission to Use of Controlled Substance Form acknowledging his last use was on November 12, 2014. Simon was offered substance abuse services for his relapse and was reminded that his drug use is linked to his criminal thinking. Simon denied such treatment and informed the probation officer there would not be any further problems from him and that he could remain abstinent from illegal substances on his own. Simon was placed on notice that he must comply with all conditions of supervision to avoid revocation proceedings.

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**OFFICER'S ASSESSMENT**

On January 2, 2015, this office was informed that Simon was arrested by the New York City Police Department, NY, for Criminal Possession of a Controlled Substance - 3<sup>rd</sup> Degree: Stimulant with Intent to Sell, class B felony; Criminal Tampering - 1<sup>st</sup> Degree, class D felony; Resisting Arrest, class A misdemeanor; and, Aggravated Unlicensed Operator - 3<sup>rd</sup> Degree, class U misdemeanor. Police reports at the time indicate that Simon was observed to be in possession of 12 grams of crack cocaine. While authorities were in the process of making his arrest, Simon flailed his arms refusing to be handcuffed and destroyed evidenced as a result. Subsequently, authorities discovered that Simon had two suspensions regarding his New York State driving privileges.

Simon left a voice mail for the probation officer on January 4, 2015, at 4:00 a.m. stating he had police contact and needed to discuss such.

On January 5, 2015, Simon reported to the office and met with Supervising U.S. Probation Officer (SUSPO) Daniel F. Gildea and the probation officer. He reported he was arrested on January 1, 2015, after taking a day trip to visit his daughter. He denied having an association with the 12 grams of cocaine he is charged with nor resisting his arrest. He reported he was released on \$2,500 cash surety on January 3, 2015, and that his mother posted his bail. He is scheduled to report to court for these new charges on January 7, 2015. It should be noted that Simon was never given permission by the probation officer, nor did he request permission, to travel to Bronx, NY. Furthermore, Simon is on home confinement for ten months and is serving consecutive weekends in custody for five months.

On January 6, 2015, the probation officer and SUSPO Gildea spoke with District Attorney Sheryl Konigsberg, Narcotics Bureau, Bronx, NY, and arresting officer Patrick Nichols of the Gang Unit, Bronx, NY, regarding the facts of Simon's arrest. Arresting Officer Nichols stated that, on January 1, 2015, he

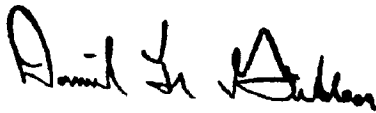
observed Simon roll through a stop sign and then had his car double parked. At that time Nichols ran Simon's motor vehicle's plates and found that his license was under suspension for failure to pay child support. Nichols approached the vehicle and identified himself as a police officer. He informed the probation officers that there was a strong order of marijuana. It is noted that Simon was the sole occupant of the vehicle. He was then asked for his license and registration, but he could not find his wallet. He was asked to exit the vehicle. After exiting the vehicle, without cause or warning, Simon quickly dove back in the front seat of the vehicle seizing a plastic grocery bag attempting to seize what we now know to be a plastic bag containing approximately 25 grams of crack cocaine. As a result of the struggle, more than half of the bag ended up the street and the remaining amount of 10.888 grams was retrieved from the scene. Attorney Konigsberg provided a laboratory report from the New York City Police Department that indicating that the analysis of the drugs contained in the plastic bag were 1 twist bag of 10.888 grams of cocaine.

Simon's underlying offense, substance abuse history, and recent noncompliance all suggest that he poses a risk of additional violations of release, danger to the community, and nonappearance. Therefore, the probation officer requests that a warrant be issued for Simon's arrest so that he may be brought before this Court to face violation proceedings.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Reviewed by:

Respectfully submitted:



Daniel F. Gildea  
Supervising U.S. Probation Officer  
Date: January 7, 2015



Karin M. Hess  
U.S. Probation Officer  
Date: January 7, 2015

#### THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant / Matter Sealed Pending Arrest
- ☐ The Issuance of a Summons
- ☐ Other



Andrea K. Johnstone  
United States Magistrate Judge

Date: January 7, 2015